

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

COMES NOW Plaintiff Judi Nicon-Orcutt and hereby moves for an order providing relief from the deadline for filing her brief in opposition to the defendant's

MOTION FOR ORDER FOR RELIEF FROM DEADLINE  
FOR FILING BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT - 1

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1 Motion for Summary Judgment (Dkt. No. 22) by re-scheduling the current motion  
2 calendar date of January 8, 2016 to February 5, 2016.  
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4 This motion is based on Fed.R. Civ. P. 56(d)(2) and LCR 7(j), the memorandum  
5 below and the attached declaration (Exhibit A) of the Plaintiff's attorney, Jeffrey A.  
6 Thigpen, and the attached declaration (Exhibit B) of the plaintiff, Judi Nicon-Orcutt.  
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8 A proposed order is attached hereto.  
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10  
11 DATED this 18<sup>th</sup> day of December 2015.  
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16 */s/ Jeffrey A. Thigpen*  
17 Jeffrey A. Thigpen, WSBA #11714  
18 Attorney for Plaintiff  
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#### MEMORANDUM IN SUPPORT OF MOTION

17 Defendant's Motion for Summary Judgment (Dkt. 22) was filed December 10,  
18 2015. By a Praecipe (Dkt. No. 25) filed the next day, the motion was noted for the  
19 January 8, 2016 calendar. Without a revised motion date, plaintiff's brief and materials  
20 in opposition to defendant's motion would normally be due a week prior to the motion  
21 day but because January 1, 2016 is a holiday, plaintiff's responsive brief would be due  
22 in this case on January 4, 2016  
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25 As demonstrated by the attached declarations of plaintiff's attorney and the  
26 plaintiff (Exhibits A and B), the court is respectfully urged to engage in a balancing of  
27 the prejudice that would be visited upon the defendant if this motion is granted versus  
28 the hardship and prejudice that would fall upon the plaintiff if it is denied.  
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1 Accordingly, plaintiff asks for an order re-scheduling the motion date on the  
2 defendant's Motion for Summary Judgment to February 5, 2016.  
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4 DATED this 18<sup>th</sup> day of December, 2015.  
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6 /s/ Jeffrey A. Thigpen  
7 Jeffrey A. Thigpen, WSBA #11174  
8 Attorney for Plaintiff  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under the laws of the United States and the State of Washington that on the 18<sup>th</sup> day of December, 2015 he served this document entitled "Motion for Order for Relief from Deadline for Filing Brief in Opposition to Defendant's Motion for Summary Judgment", including the attachments in support of the motion to defendant's attorneys identified below and in the following manner.

Thomas Lether  
Lether & Associates  
1848 Westlake Avenue N., Suite 100  
Seattle, WA 98109

Eric Neal  
Lether & Associates  
1848 Westlake Avenue N., Suite 100  
Seattle, WA 98109

By:  CM/ECF  Facsimile Transmission: (206) 467-5544  
 First Class Mail  Hand Delivery to Lether & Associates Office  
at 1848 Westlake Avenue N., Suite 100  
in Seattle, Washington

Signed this 18<sup>th</sup> day of December, 2015 at Bellingham, Washington.

/s/ *Jeffrey A. Thigpen*  
Jeffrey A. Thigpen

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

THIS MATTER came before the court upon the motion by the plaintiff for an order for relief from deadline for filing her brief in opposition to the defendants' motion

1 for summary judgment and the court having reviewed the materials submitted in  
2 support of the plaintiff's motion, and being otherwise fully advised in the premises,  
3  
4 NOW, THEREFORE

5 IT IS HEREBY ORDERED that plaintiff's motion is granted;

6 IT IS FURTHER ORDERED that the motion date for defendant's motion for  
7 summary judgment is re-scheduled to February 5, 2016.  
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9 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
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12 \_\_\_\_\_  
13 Judge Marsha J. Pecham  
United State District Judge  
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Presented by:

Copy Received;

16 Lether & Associates  
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/s/ Jeffrey A. Thigpen

By: \_\_\_\_\_

Jeffrey A. Thigpen, #11714  
Attorney for Plaintiff

Thomas Lether, WSBA #18089  
Of attorneys for Defendant